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January 18, 2008

VIA ECF System

Clerk Jennifer Gaudet
United States District Court
District of Massachusetts
1 Court House Way
Boston, MA 02210
Attn: The Court Clerk

Re: Dimon v. Kemper, MetLife and Latti, et. al.
U.S.D.C. – Mass. C. A No: 05 11073 NG

Dear Ms. Gaudet:

This firm represents MetLife in this matter brought by Mr. Dimon, which is scheduled for **trial on February 18, 2008**.

There are pending motions before the Court. Decisions on these Motions will affect the issues to be tried, but also may be dispositive as to claims and, as to at least MetLife, dispositive as to the one remaining claim against It. MetLife's Motion for Summary Judgment, *as supplemented* at the request of the Court, remains outstanding, as does MetLife's Motion seeking Clarification and/or partial reconsideration.

As it stands now, it remains unclear, less than a month before trial, which claims will be dismissed and whether one or more parties will be dismissed. As such, trial preparation has become unclear, and any possibility of discussing settlement has been stymied because the parties have awaited the anticipated rulings.

We respectfully suggest that the Court either schedule oral argument on the motions prior to the February 18, 2008 trial date or, much preferred, use the February 18, 2008 trial date for oral arguments on all motions *and* as a Pre-Trial Conference. This would allow the Court time to issue Decisions on all outstanding motions, allow the parties to properly prepare for trial, and make clear which issues will remain to be tried (as well as which parties need to prepare for trial). It also might ignite discussion as to a global or partial settlement, thereby further narrowing the issues for trial.

Very truly yours,
-s- James J. Ciapciak
James J. Ciapciak

cc: All Counsel of Record (via ECF System)